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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,981	01/28/2002	Julian Bowron	41554-0011	6718
7590	12/30/2003		EXAMINER	
David J. Heller c/o Ridout & Maybee LLP Suite 2400 One Queen Street East Toronto, ON M5C 3B1 CANADA			HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER
			3637	
DATE MAILED: 12/30/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/055,981 Examiner James O. Hansen	Applicant(s) BOWRON, JULIAN
	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 and 11-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u>. | <ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

Election/Restrictions

1. Claims 9-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper Nos. 5 & 7. The traversal is on the ground(s) that the inventions must be independent and distinct as claimed, and that the inventions must constitute an undue burden on the examiner. This is not found persuasive because applicant did not submit evidence or identify such evidence that the species are obvious variants or clearly admit on the record that this is the case.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The disclosure is objected to because of the following informality: On page 1, the last line, the phrase "to draw attention the device" is not clear as presently worded. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-8 & 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 2-8 & 12-20, the phrase "A kiosk" can be viewed as a new limitation in addition to the previously defined "A

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Kiosk" as previously defined in the independent claims [changing "A" to -The-- in the dependent claims would obviate the rejection]. In Claims 19-20, the phrases "A method of modifying" & "A method of constructing" [process] respectively, do not constitute a proper preambulatory antecedent basis since the independent claims [claims 1 & 11] are directed towards a "kiosk" [article].

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8 & 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramachandran et al., [U.S. Patent No. 5,483,047]. Ramachandran (figures 1-30) teaches of an automated kiosk (fig. 1) comprising: a cabinet (40 e.g.,); a face frame/door (18) hinged to an edge of the cabinet (such as a side edge of the cabinet e.g.,); a plurality of cross members (note fig. 10 – the plate members used to secure hardware components, and note elements 190, 192, 194 & 210 just to name a few for mounting a component) secured to the frame/door; and a plurality of components i.e., monitor, keyboard, coin slots etc., that are secured to the members via conventional fasteners (screws or bolts) known in the art. The members are releasably secured to the frame/door via fasteners as readily apparent to the examiner. The components being sized such that they project inward into the cabinet when the frame/door is secured to the cabinet [note fig. 10 for example]. As to the placement and configuration of the members in relation to the frame/door, it is viewed that when

conventionally known members are not functionally related in a new or unobvious way to the structure upon which they are located, the orientation or configuration of the members will not distinguish the invention from the prior art in terms of patentability. As to claims 19-20, the methods of "modifying" and "constructing" the kiosk are not germane to the issue of patentability of the kiosk itself. Therefore, these limitations have not been given patentable weight.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grossi et al., Simon et al., Frey et al., Trotta, Seymour, Japanese publication 53-133159 and LaFleur describe automated kiosk structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
December 12, 2003